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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/776,023 | 02/10/2004 | Benton E. Hendee | 240-099PA | 9077 |

7590 03/23/2006
Lawrence P. Trapani
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Manlius, NY 13104

EXAMINER

WILLIAMS, JAMILA O

ART UNIT PAPER NUMBER

3722

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|---------------------------------------|--|--|
| Office Action Summary | Application No. 10/776,023 | Applicant(s) HENDEE, BENTON E. | |
| | Examiner Jamila O. Williams | Art Unit 3722 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear what is encompassed by the phrase "wherein neither said external surface nor said organizer element included thereon a means for securing said concealment flap in the closed position" and "wherein said concealment flap includes external and internal surfaces, and wherein neither the external nor internal surface of said flap includes a means for securing said flap in the closed position". These negative limitations do not appear to be accurate. It is noted that the means for securing is hidden below the external surface of the organizer and below the interior surface of the flap (page 4 paragraph [0015] of the specification), this is not being clearly set forth in the limitations of the claim. If the means for securing is hidden below the external surface of the organizer, this external surface still includes the means for securing. Additionally, if the means for securing is below the interior surface of the flap, this interior surface includes the securing means.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is encompassed by the phrase "wherein neither said external surface nor said organizer element included thereon a means for securing said concealment flap in the closed position" and "wherein said concealment flap includes external and internal surfaces, and wherein neither the external nor internal surface of said flap includes a means for securing said flap in the closed position".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3,5-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,126,012 to Roegner or 6,161,979 to Yamamoto et al (hereinafter Yamamoto) in view of 5,725,039 to Macinai et al (hereinafter Macinai). Both Roegner and Yamamoto

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disclose having a first and second cover panel and a spine, an organizer element located on the external surface of the panels and a concealment flap connected to the external surface to conceal at least in part, the organizer (fig 2 of Roegner shows the front, back and spine; fig 3 shows flaps 60,63 in open position revealing the organizer elements 59; in Yamamoto fig 16 shows the front and back covers and spine; fig 18 shows the flap in open position revealing the organizer elements 262).

As shown in figure 3 to Roegner there are pockets on the internal surface of the flap and pin loops 77, a storage pouch with a zipper (75), at least one slot contained in the front cover panel (54).

As best understood in view of the 112 rejections above Roegner and Yahamoto disclose a means for securing the flap in the closed position (73a,b and 72 a,b in Roegner) and (clips shown in figure 10 of Yahamoto).

Alternatively, Macinai teaches having a concealed magnet for securing a flap to the external surface of a first cover (fig 2-3). As shown in the figures magnet 46 is placed between the inner and outer panels of the flap 12 and magnets 48,50 are within the front wall of the handbag body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the concealed magnets of Macinai with the flap and cover of Roegner or Yahamoto for the purpose of providing an alternative securing means.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over 6,126,012 to Roegner or 6,161,979 to Yamamoto et al (hereinafter Yamamoto) in view of 5,725,039 to Macinai et al (hereinafter Macinai) and further in view of 4,739,809 to Adams. Roegner or Yamamoto as modified by Macinai disclose all elements of the claims but for the mirror on the internal surface of the flap. Adams teaches having a flap with a mirror (142) on the internal surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the mirror of Adams with the flap of Roegner or Yamamoto for the purpose of providing more options for the user.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. This is simply art of interest and was not used to reject any claims in this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamila O. Williams whose telephone number is 571-272-4431. The examiner can normally be reached on Mon-Fri 6:30am-3:00pm.

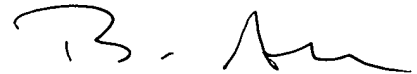
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JW 3-18-2006



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER